(TUE) FEB 22 2005 12:25/ST. 12:24/No. 6833031586 P

FROM ROGITZ 619 338 8078

CASE NO.: 1118.002 Serial No.: 09/901,155 February 21, 2005

Page 2

PATENT Filed: July 10, 2001

Accordingly, a newly added negative limitation must be evaluated for support like any amendment,

namely, by determining whether the skilled artisan would have recognized the Applicant to have possessed,

at the time of filing the application, what was later claimed. For amended claims, MPEP §2163(II)(3)(b)

advises that "the examiner has the burden of explaining why persons skilled in the art would not recognize

in the original disclosure a description of the invention defined by the claims." The subject matter of a claim

need not be described literally, MPEP §2163.02.

With the above legal guidance in mind, Applicant notes that the present drawings clearly show the

claimed manifold and handle without any intervening structure. This consequently is not a case of adding

a limitation to the claims that was not previously shown or described, which would otherwise trigger the

requirement of showing why the invention had to possess the later-claimed feature. Rather, this is case of

simply pointing out, with greater specificity, the structure that was clearly shown in the drawings as filed.

It would seem highly unlikely that a successful explanation could be mustered as to why the skilled artisan

would not have recognized Applicant's possession of the present claims, when the drawings show exactly

what is now recited.

Furthermore, the higher threshold of showing the necessity of the newly added negative limitation,

although not required in this case for the above reasons, nonetheless can be met by observing that the Venturi

effect and concomitant water preservation features discussed on, e.g., page 10 of the specification would be

severely compromised by intervening structure, which would be expected to break up the Venturi effect,

further underscoring Applicant's position that the skilled artisan would indeed have recognized that Applicant

possessed the subject matter now claimed.

1118-2,AM3

CASE NO.: 1118.002 Serial No.: 09/901,155 February 21, 2005

PATENT Filed: July 10, 2001

Page 3

The Examiner is cordially invited to telephone the undersigned at (619) 338-8075 for any reason which would advance the instant application to allowance.

Respectfully submitted,

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1118-2.AM3